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City of Issaquah

BEFORE THE HEARING EXAMINER
FOR THE CITY OF ISSAQUAH

In the Matter of the Application of)	No. PP13-00001
)	
)	
Katherine Orni, on behalf of)	McBride Preliminary Plat
Westcott Homes)	
)	FINDINGS, CONCLUSIONS,
<u>For Approval of a Preliminary Plat</u>)	AND DECISION

SUMMARY OF DECISION

The request for a preliminary plat to subdivide 8.87 acres into 40 single-family lots with six tracts at 23203/23231 SE 48th Street, in Issaquah, Washington, is **APPROVED**. Conditions are necessary to mitigate specific impacts of proposed development.

SUMMARY OF RECORD

Meeting Date:

The Hearing Examiner held a public hearing on the request on October 31, 2013.

Testimony:

The following individuals presented testimony under oath at the meeting:

Peter Rosen, City Senior Environmental Planner
Douglas Schlepp, P.E., City Land Development Services
Katherine Orni, Applicant Representative
Teri Bennett

Exhibits:

The following exhibits were admitted into the record:

1. Staff Report, dated October 31, 2013
2. Permit Application, dated March 13, 2013; Affidavits of Ownership, dated August 15, 2012; Affidavits of Agent Authority, dated August 15, 2012; project narrative, received March 13, 2013; vicinity map, plan reductions (same as Exhibit 3)
3. Preliminary Plat Plans
 - a. Cover Sheet, CV-01 (Sheet 1 of 8), revised July 23, 2013
 - b. Existing Conditions Plan, EC-01 (Sheet 2 of 8), revised July 23, 2013
 - c. Preliminary Plat Map, PP-01 (Sheet 3 of 8), revised July 23, 2013
 - d. Preliminary Grading Plan, GP-01 (Sheet 4 of 8), revised July 23, 2013
 - e. Preliminary Utility Plan, UP-01 (Sheet 5 of 8), revised July 23, 2013
 - f. Preliminary Road Profiles, RP-01 (Sheet 6 of 8), revised July 23, 2013

Findings, Conclusions, and Decision
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No. PP13-00001

- g. Cross-Sections and Details, RD-01 (Sheet 7 of 8), revised July 23, 2013
- h. Tree Retention Plan, TR-01 (Sheet 8 of 8), revised July 23, 2013
- i. Preliminary Landscape Plan, Street Tree and Lot Tree plan, L-01 (Sheet 1 of 3), revised July 15, 2013
- j. Preliminary Landscape Plan, Enlarged Landscape Plan, L-02 (Sheet 2 of 3), revised July 15, 2013
- k. Preliminary Landscape Plan, Plant Schedule, Notes, and Details, L-03 (Sheet 2 of 3), revised July 15, 2013
- l. Buffer Mitigation Plan (Sheet 1 of 1), revised July 5, 2013
- 4. Critical Area Study and Buffer Mitigation Plan, dated March 7, 2013
- 5. Transportation Impact Study, dated April 29, 2013; Voluntary Mitigation Offer, dated September 12, 2013, and City of Sammamish acknowledgment, dated October 16, 2013 Plan
- 6. Revised SEPA MDNS, dated September 25, 2013; SEPA DNS, dated August 28, 2013; Environmental Checklist, dated March 13, 2013
- 7. Public Hearing Notice; Affidavit of Service of Mailing, dated October 1, 2013; Notice of Public Meeting, dated October 17, 2013; Affidavit of Sign Installation, dated October 10, 2013; Public Notice, SEPA Determination, *The Issaquah Press*, dated September 25, 2013; Public Notice, SEPA Determination, *The Issaquah Press*, dated August 28, 2013; Affidavit of Service of Mailing, dated April 17, 2013; Notice of Application and Notice of Neighborhood Meeting, dated April 16, 2013; Vicinity Map; Preliminary Plat Map
- 8. Email from Elgin Anderson and Teri Bennett to Peter Rosen, dated September 17, 2013, with email string; Email from Connie Marsh to Peter Rosen, dated May 29, 2013; Email from Janet Wall to Peter Rosen, dated May 22, 2013; Agenda, City River & Streams Board and draft minutes, dated May 21, 2013; Neighborhood Meeting sign-in sheet, dated May 1, 2013, with comments, including letter from Elgin Anderson and Teri Bennett, and email from Andrew Clinick to Peter Rosen, dated April 27, 2013
- 9. Subsurface Exploration, Geologic Hazard, and Preliminary Geotechnical Engineering Report, dated June 15, 2007
- 10. Preliminary Technical Information Report, dated March 13, 2013
- 11. Certificate of Transportation Concurrency, CON12-00013, dated September 23, 2013
- 12. Letter from Steve and Stephanie Whan, dated October 27, 2013
- 13. Letter from Sammamish Plateau Water and Sewer District, dated April 15, 2013
- 14. Sammamish Plateau Water and Sewer District, Resolution No. 4193, adopted December 17, 2012
- 15. School/Transportation Information, Tyler Technologies, as of July 29, 2013

The Hearing Examiner enters the following Findings and Conclusions based upon the testimony and exhibits admitted at the public hearing:

FINDINGS

Application and Notice

1. Katherine Orni, on behalf of Westcott Homes (Applicant),¹ requests a preliminary plat to subdivide 8.87 acres into 40 single-family lots with six tracts: a critical area wetland tract (Tract A), two private access/utilities tracts (Tracts B and F), a detention tract (Tract C), a tree protection/open space tract (Tract E) and an open space tract (Tract D). The property is addressed as 23203/23231 SE 48th Street, Issaquah, Washington.² *Exhibit 1, Staff Report, page 1; Exhibit 2; Exhibit 3.*
2. The City of Issaquah (City) determined the application was complete on April 8, 2013. The City mailed notice of the application and neighborhood meeting to adjacent property owners on April 16, 2013. The City published notice of the public hearing on the application in *The Issaquah Press* on October 16, 2013, and mailed notice to adjacent property owners on October 17, 2013. The Applicant's Representative posted notice of the open record hearing on the property.³ *Exhibit 1, Staff Report, pages 2 to 3; Exhibit 7.*

State Environmental Policy Act (SEPA)

3. The City acted as lead agency and analyzed the environmental impacts of the proposed project as required by SEPA, chapter 43.21C RCW. The City reviewed the Applicant's environmental checklist and other available information, and determined that with eight conditions, the proposed project would not have a probable significant adverse impact on the environment. The City issued a Mitigated Determination of Nonsignificance (MDNS) on August 28, 2013 and issued a revised MDNS on September 25, 2013. In the revised MDNS, the City concurred with the Applicant that traffic impact fees would mitigate for project impacts and that additional mitigation was not required. The revised MDNS was not appealed. *Exhibit 6; Exhibit 7.*

Comprehensive Plan, Zoning, and Surrounding Property

4. The property is designated Low Density Residential (LDR) by the City Comprehensive Plan. The purpose and intent of the LDR designation is:

. . .to provide a variety of housing types and densities within a full range of urban services. The primary use in this designation is housing. The appropriate density of the individual residential zoning districts is based on the availability of urban services and the proximity to local streets, arterials and pedestrian access. Those

¹ Ralph J. and C. Noreen McBride, property owners, signed an Affidavit of Agent Authority, designating Katherine Orni/Westcott Homes to act as their agent. *Exhibit 2.*

² The subject property is identified by Tax Assessor Parcel Nos. 2224069006 and 2224069123. The application includes a legal description of the property. *Exhibit 2.* The property was annexed into Issaquah as part of the North Issaquah Annexation. *Exhibit 1, Staff Report, page 2.*

³ The affidavit of sign installation is dated October 11, 2013, and was subscribed and sworn on October 10, 2013. *Exhibit 7.*

areas with critical areas shall be appropriate for low density residential, with the intent to protect environmentally critical areas from impacts associated with more intensive development. These environmentally critical areas are valued as a community resource, both for conservation purposes and public enjoyment; provided, that the environmentally critical areas are protected, low density single family residential use may be appropriate.

City Comprehensive Plan, Land Use Element, page L-11. The property is located within the “North Issaquah” Subarea of the Comprehensive Plan. *Exhibit 1, Staff Report, page 2.*

5. The property is located within the City’s Single-Family Small Lot (SF-SL) zoning district. The purpose of the SF-SL district is:

... to provide for single family neighborhoods which are in close proximity to low density multifamily neighborhoods and urban services. . . Permitted uses include single family homes, assisted living facilities and senior housing. Recreational uses which serve the neighborhood and urban services are also permitted; provided, that traffic and other related impacts are not detrimental to the district. In addition to the objectives stated in the Purpose and Intent section of this chapter, the following objectives also apply to this district:

- i. Establish and preserve residential neighborhoods;
- ii. Encourage the reuse and remodeling, rather than demolition, of historic buildings to provide alternative housing opportunities; and
- iii. Provide opportunities for single family residential development in areas served by public and urban services.

IMC 18.06.100.D. Single-family residential development at a maximum density of 7.26 dwelling units per acre is allowed within the SF-SL zoning district. *IMC Table 18.07.360.*

6. Critical areas, including wetlands and wetland buffer areas, cannot be developed but may receive a partial, transferrable density credit. The density credit allows development density to be transferred from critical areas to developable parts of the property. *IMC 18.10.450* allows 90 percent density credit when 11 to 20 percent of a site contains critical areas. The property contains 1.60 acres of wetland or wetland buffer, which is 18 percent of the site. Under the density credit, 63 total dwelling units are allowed on the property; 40 lots are proposed, for a gross development density of 4.5 du/acre. Lots within the SF-SL zoning district must contain 10 foot front yard setbacks, 20 foot rear yard setbacks, and six foot side yard setbacks. There is no minimum lot width. Buildings may not be more than 30 feet tall. Lots must be at least 6,000 square feet in size, but lot size may be reduced to accommodate density transfers from critical areas. Of the proposed 40 lots, 36 lots would be below the minimum 6,000 square-foot lot size. *Exhibit 1, Staff Report, pages 5 to 6; Exhibit 3.*

7. Single-family residential subdivisions are located to the south (Aspen Meadows and Issaquah 22) and east (Pine View) of the property. A single-family residence is located to the west. SE 48th Street, adjacent to the north, is the boundary between the City of Issaquah and the City of Sammamish. Single-family residential development is located north of SE 48th Street within the City of Sammamish. *Exhibit 1, Staff Report, page 5; Exhibit 3.*

Existing Conditions

8. The site is rectangular with a panhandle that extends north to SE 48th Street. The property contains mostly pasture. Two existing single-family residences and associated outbuildings on the property would be removed. Songbirds, deer and bears have been observed on or near the site. Katherine Orni, Applicant Representative, testified that she observed a bear on the property, but expected bear use of the property to diminish substantially with proposed development of the property and surrounding property. *Exhibit 1, Staff Report, page 5; Exhibit 3; Exhibit 4; Exhibit 6; Testimony of Ms. Orni.*

Stormwater

9. Associated Earth Sciences, Inc., prepared a Subsurface Exploration, Geologic Hazard, and Preliminary Geotechnical Engineering Report (PGER) for the property, dated June 15, 2007. The PGER identified 17 to 28 percent slopes on site. According to the PGER, there is a low risk of damage to proposed structures from landslide hazards or seismically induced landslides and a high erosion potential. The PGER provides erosion hazard mitigation measures and preliminary geotechnical engineering design recommendations. Blueline Land Development Consulting prepared a Preliminary Technical Information Report (PTIR), dated March 13, 2013. The PTIR provides an upstream and downstream drainage analysis, with no downstream drainage complaints. The Applicant would design a temporary erosion and sediment control (TESC) plan, and include a Stormwater Pollution Prevention Plan at final engineering. The proposal includes 6.23 acres of developed area, 1.22 acres of undisturbed forested area, and 1.46 acres of undisturbed wetland and buffer area, for an impervious coverage of 41 percent. IMC 18.07.360 allows a maximum 50 percent impervious surface area. *Exhibit 9; Exhibit 10.*
10. The property receives runoff from the north and west, and discharges to two basins. The southwest basin (2.84 acres) is located within the Issaquah Creek sub-basin, a tributary to Lake Sammamish. The northeast basin (6.07 acres) is located within the Laughing Jacobs Creek sub-basin, also a tributary to Lake Sammamish. Under City code, both basins are subject to Level 2 Flow Control and compliance with the Sensitive Lake Protection Menu. Stormwater from most of the proposed development would be detained in a 12,240 square foot stormwater facility in Tract C, and then discharged to the east into off-site Wetlands A and B. A portion of the southwest basin would flow through a detention pond constructed by the adjacent Issaquah 22 plat developer and treated in the Issaquah 22 water quality filter vault. Douglas Schlepp, P.E., City DSD, testified that base flows would be maintained to each sub-basin, but would not increase more than 1/10

cfs. The Applicant would install a low impact development (LID) dispersion system in the southwest basin to maintain pre-development hydrology flows to Wetland D. The City staff determined that the proposed stormwater facilities would meet the guidelines and requirements of the 2009 King County Surface Water Design Manual and the City's 2011 Surface Water Design Manual Addendum. Two proposed conditions require the Applicant to pay a proportionate share of the cost of a regional stormwater pipe line being constructed by the developer of Issaquah 22 plat and a separate City stormwater mitigation project. *Exhibit 1, Staff Report, pages 11, 12, and 15; Exhibit 3.e; Exhibit 10; Testimony of Mr. Schlepp.*

Critical Areas

11. Wetland Resources, Inc., prepared a Critical Area Study and Buffer Mitigation Plan (CAS), dated March 7, 2013. The CAS delineates the subject site, as well as two additional parcels for a total of 12.26 acres. The CAS identifies Wetland A as a Category II depressional forested wetland. Wetland A is located to the northeast of the property, with a 75 foot protective buffer extending onto the property. Wetland B, a 950 square foot Category IV wetland, is located west of Wetland A, and does not require a buffer. Wetland C, a Category III depressional wetland, is located to the northwest, with a 50 foot buffer extending onto the property. Wetland D, a 31,644 square foot depressional wetland, is located in the southwestern corner of the site, extends off-site, and requires a 75 foot buffer. The existing wetlands and buffer areas have been cleared of native vegetation, and are dominated by grasses and emergent species. The wetlands and buffer areas have low to moderate levels of hydrologic control and water quality functions and low levels of habitat functions. The City's independent biologist/consultant reviewed and confirmed the wetland boundaries, ratings, and buffer widths. *Exhibit 1, Staff Report, pages 8 and 9; Exhibit 3.c; Exhibit 3.l; Exhibit 4.*
12. Existing wetland buffers would be impacted by the proposed road access, proposed stormwater discharge into off-site Wetlands A and B, a proposed trail within the Wetland D buffer, indirect impacts of human and pet activity after completion of the development, and temporary impacts from clearing and grading within the buffers. The CAS proposes buffer averaging of the 75 foot Wetland D buffer to no less than 57 feet. The CAS also includes a wetland and buffer enhancement plan for the placement of a new stormwater detention vault and access road in the Wetland A and C buffers. Proposed enhancement measures include removing 610 square feet of an existing gravel driveway within the Wetland A buffer, enhancement of a total of 2,570 square feet of Wetland A buffer, enhancement of the entire Wetland B, and enhancement of 4,120 square feet of the Wetland C buffer. The CAS describes a project monitoring program, maintenance, contingency plan, and performance bond. *Exhibit 3.c; Exhibit 4.*

Access, Frontage, and Parking

13. SE 48th Street would provide access to the property through a new public street (Road A) with a connection south (232nd Ave SE) through the Issaquah 22 plat. Road A through the proposed project would include two 11 foot drive lanes, an eight foot parking lane on

one side of the street, five foot planter strips, and five foot wide sidewalks on both sides of the road. This proposed road access would encroach into the buffers of two off-site wetlands (Wetlands A and C) that extend onto the site. A second public street, Road B, would extend north from Road A and would provide access to lots on the west portion of the site. Road B would provide a planter strip and sidewalk only on the west side of the road, along the Lots 1 to 8 frontage. An off-site site emergency access, utility and trail easement would extend north along the property's west border to connect to SE 48th Street. Peter Rosen, City Senior Environmental Planner, testified that the City and Fire Department does not support upgrading this easement to a public street. Tract F, a 20 foot wide private access and utility easement, would serve Lots 9-13, and Tract B would provide access to Lots 14-17. The Applicant would provide frontage improvements within the SE 48th Street right-of-way consistent with City of Sammamish standards. Two off-street parking spaces must be provided for each single family residence. *IMC Table 18.09.050*. Each proposed residence would have a two-car garage. *Exhibit 1, Staff Report, pages 5 and 8; Exhibit 2; Exhibit 3.f; Exhibit 4; Testimony of Mr. Rosen.*

14. Mr. Rosen testified that the Applicant would provide a trail through the open space and tree retention Tract E, a trail to SE 48th Street through the off-site emergency access easement, and a trail around the wetland buffer of Wetland D, connecting south to the Issaquah 22 subdivision. *Testimony of Mr. Rosen.*

Traffic

15. Transportation Engineering NorthWest prepared a Transportation Impact Study (TIS) for the Applicant, dated April 29, 2013. The proposed project would generate 423 net new weekday daily trips, 36 net new weekday AM Peak Hour trips, and 43 net new weekday PM Peak Hour trips. The study intersections of SE 48th Street/Issaquah-Pine Lake Road and Issaquah-Fall City Road/Issaquah-Pine Lake Road are anticipated to operate at LOS D⁴ or better with or without the project in 2016 during AM and PM Peak Hours. The TIS determined that entering and stopping sight distance standards are met at the proposed site access location. No SEPA or concurrency mitigation is proposed at the study intersections. The City issued a Certificate of Transportation Concurrency on September 23, 2013. The City has accepted the Applicant's Voluntary Mitigation Offer to construct off-site frontage improvements in lieu of a Voluntary Mitigation Payment. A proposed condition requires the construction of a proposed traffic signal at SE 48th Street and Issaquah-Pine Lake Road SE prior to final plat approval. *Exhibit 5; Exhibit 11.*

Landscaping and Tree Retention

16. Subdivisions in the SF-SL zone must retain a minimum of 30 percent of the total caliper of existing significant trees outside of critical areas and buffers. The Applicant has

⁴ LOS generally refers to the degree of congestion on a roadway or intersection. A letter scale from A to F generally describes intersection LOS. At signalized intersections, LOS A represents free-flow conditions and LOS F represents forced-flow conditions where motorists experience an average delay in excess of 80 seconds per vehicle. *Exhibit 5.*

provided a Tree Retention Plan depicting retention of approximately 54 percent of the total existing tree caliper within a separate Tract E (45,702 square feet), along the back of Lots 19-22. Proposed landscape plans depict planting in the common open space and landscape tract (Tract D) and in the entry to the tree retention Tract E. Proposed landscape plans also depict landscape screening around the stormwater tract (Tract C) and street trees along Roads A and B. *Exhibit 1, Staff Report, page 8; Exhibits 3.h – 3.k.*

Utilities

17. The Sammamish Plateau Water and Sewer District (District) executed a Developer Extension Agreement with the property owner. The District would provide water and sewer service, and would review water and sewer plans with construction permits. The developer would be responsible for obtaining necessary Right-of-Way permits for any required work within SE 48th Street. *Exhibit 1, Staff Report, page 11; Exhibit 13; Exhibit 14.*
18. Ms. Orni testified that she emailed the Issaquah School District concerning area schools, but received no response. The Transportation Impact Study (TIS) determined that public transportation was not provided on SE 48th Street adjacent to the property. Existing pedestrian facilities include sidewalks on both sides of SE 48th Street between 236th Ave SE and Issaquah-Pine Lake Road. The TIS identified area schools for students as Sunny Hills Elementary, Pacific Cascade Middle School and Issaquah High School. The TIS identified a likely new bus stop for each school would be created at the McBride plat access on SE 48th Street at the time of occupancy. Internal plat sidewalks would create a safe walking route for students. The Applicant provided School/Transportation Information printout maps, dated July 29, 2013. *Exhibit 5; Exhibit 15; Testimony of Ms. Orni.*
19. The Applicant would pay transportation, fire, schools, parks, General Government (SEPA), and Police (SEPA) impact fees, which would be calculated at the time of building permit issuance. The Applicant would receive credit for two existing single family residences on the subject property. *Exhibit 1, Staff Report, page 13.*

Public Comment and Testimony

20. The City received written public comments on the application concerning the reduced lot sizes, impacts to schools, improvement of the off-site emergency access and utility easement, traffic impacts, and wetland and wetland buffer enhancement. *Exhibit 8.* The City provided written responses in the staff report, including explanations that density may be increased due to critical areas on site and that wetland and wetland buffer enhancement would be implemented. *Exhibit 1, Staff Report, pages 3 and 4.* Teri Bennett, owner of property to the west, testified concerning privacy and trespass issues. The Applicant agreed to amend the last sentence of proposed Condition 4, from “The applicant shall work with neighbors to the west of the emergency access road to provide screening and/or a physical barrier to address their concerns,” to read “The Applicant shall construct a six-foot estate-style cedar fence, or as otherwise agreed to by the

property owners, along the east property line of 23131 SE 48th Street, Issaquah, WA.”
The City did not object to the amendment. *Testimony of Ms. Bennett; Testimony of Ms. Omni; Testimony of Mr. Rosen.*

City Staff Recommendation

21. Mr. Rosen testified that with proposed conditions, the proposal would be consistent with the Issaquah Comprehensive Plan, Issaquah Land Use Code, and other application development regulations, including the chapter 18.13 IMC (Subdivision Code) and RCW 58.117.110 (Washington State Subdivision Code). Mr. Rosen recommended approval of the preliminary plat request with conditions. *Exhibit 1, Staff Report, page 13 to 15; Testimony of Mr. Rosen.*

CONCLUSIONS

Jurisdiction

The Hearing Examiner has authority to hear and approve, conditionally approve, or disapprove the preliminary plat request after review of the preliminary plat, the administration’s recommendation, testimony, and exhibits submitted at the public hearing. The Hearing Examiner makes the final decision on preliminary subdivisions. *Issaquah Municipal Code (IMC) 18.03.060.B; 18.03.170; 18.04.490.C.1; 18.13.140.A.*

Criteria for Review

Preliminary Plat

According to IMC 18.04.480 and 18.04.490.C.1, preliminary plat proposals are reviewed through the Modified Level 4 review process and must comply with all the standards and criteria set forth in chapter 18.13 IMC.

The standards and criteria regarding preliminary plats set forth in chapter 18.13 IMC are established to promote the orderly and efficient division and re-division of land within the city; avoid placing undue and unnecessary burdens on both the applicant and the City; and to promote the public health and general welfare, complying with the provisions of chapter 58.17 RCW. The criteria for review of a preliminary plat are set forth in RCW 58.17.110(2) as follows:

A proposed subdivision and dedication shall not be approved unless the city, town, or county legislative body makes written findings that:

- (a) Appropriate provisions are made for the public health, safety, and general welfare and for such open spaces, drainage ways, streets or roads, alleys, other public ways, transit stops, potable water supplies, sanitary wastes, parks and recreation, playgrounds, schools and school grounds and all other relevant facts, including sidewalks and other planning features that assure safe walking conditions for students who only walk to and from school; and
- (b) The public use and interest will be served by the platting of such subdivision and dedication.

RCW 58.17.110(2).

Prior to any approval of the preliminary plat, all minimum street and utility improvements, or reasonable conditions deemed necessary to fulfill the purpose of the subdivision code, shall be specified by the Hearing Examiner, and the applicant shall be advised of such. *IMC 18.13.140.B.*

The criteria for review adopted by the Issaquah City Council are designed to implement the requirement of chapter 36.70B RCW to enact the Growth Management Act. In particular, RCW 36.70B.040 mandates that local jurisdictions review proposed development to ensure consistency with City development regulations, considering the type of land use, the level of development, infrastructure, and the characteristics of development. *RCW 36.70B.040.*

Conclusions Based on Findings

1. **With conditions, appropriate provisions would be made for the public health, safety, and general welfare, and appropriate provisions would be made for open spaces, drainage ways, streets, transit stops, potable water supplies, sanitary wastes, parks and recreation, schools and school grounds, and all other relevant facts.** The property is designated Low Density Residential by the City Comprehensive Plan. The LDR designation provides for a variety of housing types and densities while also protecting critical areas. Open space and recreation would be provided within Tracts A, D, and E. Roads A and B and Tracts B and F would provide access to proposed residential lots. Residential development is permitted within the SF-SL zoning district at a maximum density of 7.26 du/acre. The proposed development density is 4.5 du/acre. Most stormwater runoff would be routed to a stormwater facility in Tract C, then discharged to off-site Wetlands A and B. The Applicant would provide a LID dispersion system in the southwest basin to maintain pre-development hydrology flows to Wetland D. The property would be served by the Sammamish Plateau Water and Sewer District. Sufficient sidewalks exist to provide safe walking conditions for students to a proposed school bus pick up area adjacent to the proposed plat. The Applicant would pay transportation, fire, schools, park, general government, and police impact fees at the time of building permit issuance. New public streets would serve the proposed plat and the City has issued a certificate of transportation currency. The proposed project would not impact any wetlands, but would impact on-site wetland buffers. The Applicant would utilize buffering averaging and mitigate impacts by enhancing existing on-site wetlands and buffers. The Applicant has provided a wetland buffer mitigation plan and landscaping plans. Conditions are necessary to ensure compliance with MDNS conditions, adequate provision for landscaping, impact fees, wetland buffer mitigation and enhancement, stormwater control, and water and sewer connections. *Findings 1, 4 – 21.*
2. **With conditions, the public use and interest would be served by the platting of such subdivision and dedication.** The City provided adequate notice and opportunity to comment on the request. The City reviewed the proposed plat and issued a revised MDNS with conditions to mitigate potential significant adverse impacts. Residential

development is allowed within the SF-SL zoning district at a maximum density of 7.26 du/acre. Proposed development density is 4.5 du/acre. Public services, including water and sewer, are available. The property is surrounded by existing single-family residential development and subdivisions. A six foot high fence would be constructed along the east property line of 23131 SE 48th Street to provide privacy for the adjacent land owner.

Findings 1 – 21.

DECISION

Based on the preceding Findings and Conclusions, the request for a preliminary plat to subdivide 8.87 acres into 40 single-family lots with six tracts at 23203/23231 NE 48th Street, in Issaquah, Washington, is **APPROVED**, subject to the following conditions:

1. The Applicant shall comply with the Mitigated Determination of Nonsignificance, dated September 25, 2013, as follows:
 - 1) Final wetland/wetland buffer enhancement plans are required for approval by the Issaquah Development Services Department (DSD) prior to issuing construction permits. Final plans shall include a planting plan and a 5-year monitoring/maintenance plan with performance standards for monitoring success of the enhancement planting. The plans shall meet standards of the King County Critical Areas Mitigation Guidelines for the planting density and monitoring performance standards.

The Buffer Mitigation Plan (Wetland Resources, dated July 5, 2013) details project buffer impacts and proposed mitigation/enhancement. In addition to the measures proposed on the Buffer Mitigation Plan, the following enhancement is required:

Wetland D:

- 1) The added buffer area (3,300 SF), adjacent to Lot 8 shall be enhanced with native plants.
- 2) The outer wetland buffer, adjacent to Lots 1-8, shall be enhanced with a minimum planting width of 30 feet to mitigate for the buffer area disturbed by grading, to screen the developed lots and to provide a soft barrier to human/pet intrusions into the wetland/wetland buffer area.
- 3) A minimum 40-foot wide planting swathe along the outer edge of Wetland D and the inner edge of the wetland buffer shall be planted with native tree and shrub species to improve wetland and wetland buffer functions over existing conditions; to establish tree and shrub cover to shade out and compete with invasive reed canary grass which dominates the on-site wetland area. This mitigates for impacts of reducing the buffer width through buffer averaging, the construction of a 4-foot wide trail in the buffer, and the indirect impacts of the development.

Wetland A:

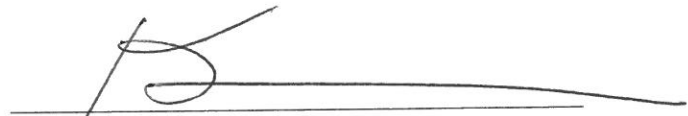
- 1) Stormwater discharge would increase flow volumes and velocity and alter the hydroperiod, the duration and depth of ponding in the wetland. Planting a minimum of 2,000 SF of the outer edge of Wetland A, adjacent to the location of stormwater discharge, would slow flow velocity, improve water quality functions and plant uptake of the project stormwater.

- 2) The Applicant shall provide an as-built plan of the wetland/wetland buffer enhancement and the consulting biologist shall verify in writing that the planting has been installed per plan prior to final plat approval.
 - 3) A 5-year monitoring/maintenance period is required. The Applicant shall provide a bond amount equal to 50% of the cost of plants, labor and the 5-year monitoring/maintenance cost prior to final plat approval.
 - 4) The Applicant shall prepare a wetland hydrology analysis to demonstrate pre-development hydrology to Wetland D would be maintained. Stormwater recharging the wetland shall be treated for water quality or come from non-pollution generating surfaces. This shall be approved by the City prior to issuing construction permits.
 - 5) Trees proposed to be retained shall be outside clearing/grading limits or will require protective fencing, and clearing/grading will be limited around protected tree areas to ensure tree health and retention. An arborist report may be needed to assess trees proximate to clearing/grading activities. Tree protection measures will be reviewed with construction plans and shall be installed prior to clearing/grading activity.
 - 6) The traffic analyses assumed a traffic signal at the intersection of SE 48th St and Issaquah Pine Lake Road. This signal is expected to be constructed by the developer of Issaquah 22 by Spring 2014. If the signal is not constructed, a new traffic analysis would be required to evaluate traffic impacts without the traffic signal and mitigation may be required for project traffic impacts.
 - 7) The Applicant shall mitigate for potential impacts on public services with a voluntary contribution for the General Government Buildings and Police Mitigation Fees. The mitigation fee is to be paid prior to issuance of building permits and the actual fee amount is determined at that time.
2. To address neighborhood character and compatibility with surrounding land uses on the reduced sized lots, residential structures shall meet the zoning building setbacks and impervious surface limits on all the lots. This will be reviewed with building permits.
 3. Public access easements to the City shall be provided for trail connections; including for the off-site emergency access drive between SE 48th St and the north boundary of Road B, and for the trail corridor connection to the south of Lot 1. Wayfinding signs shall be provided to indicate public trail access.
 4. Improvement of the existing gravel drive as an emergency access and trail would increase pedestrian activity and this could result in trespassing, noise and other impacts on the adjacent property to the west. The Applicant shall construct a six-foot estate-style cedar fence, or as otherwise agreed to by the property owners, along the east property line of 23131 SE 48th Street, Issaquah, WA.
 5. Driveways should be a sufficient length if intended for parking. If adequate length is not provided then cars may overhang onto sidewalks impeding pedestrians. Therefore, driveways shall provide a length of at least 18 feet if intended for parking or shall be less than 8 feet in length to clearly indicate they are not designed to accommodate parking. This will be reviewed with building permits.
 6. The proposed traffic signal at SE 48th St and Issaquah-Pine Lake Road SE must be completed prior to final plat approval and if constructed by other benefitting parties the proportionate benefit shall be

paid as reimbursement in accordance with the Reimbursement Agreement approved by the City of Sammamish.

7. Frontage improvements constructed within the SE 48th St right-of-way (ROW), including off-site frontage improvements proposed by the applicant, must be approved and permitted through a ROW permit issued by the City of Sammamish.
8. Tract B and Tract F are private access/utility easements. To ensure fire access, no parking is allowed and the access drives shall be signed as fire lanes.
9. A regional stormwater pipe line is being constructed by the developer of Issaquah 22 Plat. The purpose is to prevent stormwater discharge off the plateau from impacting and eroding a steep slope natural drainage. A portion of the stormwater drainage from the southwest basin of the McBride Plat will be tributary to this facility. The developer of the McBride plat shall pay a proportionate share based upon benefit in accordance with the approved "Late-comers" agreement prepared per City of Issaquah Code.
10. A stormwater mitigation project will be constructed by the City of Issaquah to alleviate flooding. A portion of the drainage of the McBride Plat will be tributary to and benefit from this project. The developer of the McBride plat shall pay a proportionate share based upon benefit in accordance with the analysis prepared by the City of Issaquah.
11. Impact fees are required for each new single family residence. The applicant would receive credit for the 2 existing single family residences on the subject property. The following impact fees shall be required and the applicable cost calculated at the time of issuance of building permits for each residential unit: Transportation, Fire, Schools, Parks, General Government (SEPA), Police (SEPA).
12. A wood split rail fence shall be provided on the wetland side of the trail around Wetland D, to control circulation and thwart human and pet encroachment into the wetland.
13. The following critical area regulation conditions shall apply:
 - 1) Permanent survey stakes shall be set to delineate the boundaries between critical area tracts and adjoining properties.
 - 2) Signs between critical area tracts and adjacent properties shall be installed, explaining the type and value of the critical area.
 - 3) The final plat shall include language to protect the critical area tract (Tract A) and the tree retention tract (Tract E) from development in perpetuity.

Decided this 11th day of November 2013.


KRISTEN J. LARSON
Hearing Examiner
Sound Law Center